



Patent
Attorney Docket No. 1034193-000036

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THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of) **MAIL STOP Amendment**
Gert Stauch et al.)
Application No.: 10/560,908) Group Art Unit: 3752
Filing Date: June 15, 2006) Examiner: Steven J. Ganey
Title: ULTRASONIC STANDING WAVE-) Confirmation No.: 6072
ATOMIZER ARRANGEMENT)
)
)

AMENDMENT/REPLY TRANSMITTAL LETTER

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Enclosed is a reply for the above-identified patent application.

- A Petition for Extension of Time is enclosed.
- Terminal Disclaimer(s) and the \$ 65 \$ 130 fee per Disclaimer due under 37 C.F.R. § 1.20(d) are enclosed.
- Also enclosed is/are: _____
- Small entity status is hereby claimed.
- Applicant(s) requests continued examination under 37 C.F.R. § 1.114 and enclose the \$ 405 \$ 810 fee due under 37 C.F.R. § 1.17(e).
- Applicant(s) requests that any previously unentered after final amendments not be entered. Continued examination is requested based on the enclosed documents identified above.
- Applicant(s) previously submitted _____ on _____ for which continued examination is requested.
- Applicant(s) requests suspension of action by the Office until at least _____, which does not exceed three months from the filing of this RCE, in accordance with 37 C.F.R. § 1.103(c). The required fee under 37 C.F.R. § 1.17(i) is enclosed.
- A Request for Entry and Consideration of Submission under 37 C.F.R. § 1.129(a) (1809/2809) is also enclosed.

No additional claim fee is required.

An additional claim fee is required, and is calculated as shown below:

AMENDED CLAIMS					
	No. of Claims	Highest No. of Claims Previously Paid For	Extra Claims	Rate	Additional Fee
Total Claims	30	30	0	x \$ 50 (1202)	\$ 0
Independent Claims	1	3	0	x \$ 210 (1201)	0
<input type="checkbox"/> If Amendment adds multiple dependent claims, add \$ 370 (1203)					\$ 0
Total Claim Amendment Fee					\$ 0
<input type="checkbox"/> Small Entity Status claimed - subtract 50% of Total Claim Amendment Fee					0
TOTAL ADDITIONAL CLAIM FEE DUE FOR THIS AMENDMENT					\$ 0

Charge _____ to Deposit Account No. 02-4800 for the fee due.

A check in the amount of _____ is enclosed for the fee due.

Charge _____ to credit card for the fee due. Form PTO-2038 is attached.

The Director is hereby authorized to charge any appropriate fees under 37 C.F.R. §§ 1.16, 1.17 and 1.20(d) and 1.21 that may be required by this paper, and to credit any overpayment, to Deposit Account No. 02-4800. This paper is submitted in duplicate.

Respectfully submitted,

BUCHANAN INGERSOLL & ROONEY PC

Date December 14, 2007

By:



Shawn B. Cage
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Patent
Attorney's Docket No. 1034193-000036

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In re Patent Application of) **MAIL STOP Amendment**
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Application No.: 10/560,908) Group Art Unit: 3752
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For: ULTRASONIC STANDING WAVE-) Confirmation No.: 6072
ATOMIZER ARRANGEMENT)
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REQUEST FOR RECONSIDERATION

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Reconsideration and allowance of this application are respectfully requested.

Claims 1-30 are pending. Applicants note with appreciation the Examiner's acknowledgement that claims 2-30 recite allowable subject matter.

In numbered paragraph 2 on page 2 of the Office Action, claim 1 is rejected under 35 U.S.C. §102(b) as allegedly being anticipated by Goldschmidt (German Patent No. 4328088). Applicants respectfully traverse this rejection.

As shown in Applicants' Figure 2, an exemplary standing-wave atomizer includes a sonotrode 12 and reflector 14. The sonotrode 12 and the reflector 14 are separated by an intermediate space 16 in which an ultrasonic wave is formed. A tubular tank discharge nozzle 18 protrudes into the space 16. The discharge nozzle 18 emits sheets of paint that are acted upon by the ultrasonic standing-wave field located in the space 16 to atomize the paint. Air distributors 22 can be arranged on both sides of the paint nozzle 18 so that air fed from the air distributors 22 forms an air curtain 26, that shields an end face of the sonotrode 12 and the reflector 14 from

a paint mist and at the same time forms a paint spray cone 28 that faces the direction of the air flow.

Figure 1 broadly encompasses the foregoing features by reciting an ultrasonic standing-wave atomizer arrangement that includes, among other features, an air supply device that interacts with at least one air distribution device such that the air distribution device has a number of clearances which serve for blowing out air. The clearances being arranged in such a way that between the at least one paint discharge point and the sonotrode and also between the at least one paint discharge point and the component, there is formed at least one region with a blocking air flow by which air flow wetting of the sonotrode or the component with paint is substantially avoided.

Contrary to the Examiner's assertions, the *Goldschmidt* patent fails to anticipate Applicants' claim 1. The Examiner appears to rely on Figures 2 and 3 of *Goldschmidt*, which shows an embodiment having an air tube that is encased within a means for supplying air or fluid. The airflow described by *Goldschmidt* is not evidenced as being a blocking airflow. In fact, the *Goldschmidt* patent discloses that the airflow is used not for avoiding contamination, but rather to improve the atomization process by heating the paint particles with air. Support for Applicants' position can be found in claims 4-6 in which *Goldschmidt* describes the principal of blowing hot air into an area of the standing ultrasonic field (claim 5), wherein the hot air is oriented concentrically to the paint stream or at least oriented in a direction in which the paint particles are aimed (claim 6). Given that Figures 2 and 3 illustrate an embodiment in which an airflow leaves a corresponding tube at the same level as the paint material, one of ordinary skill would appreciate that an orientation as such

cannot produce a blocking airflow to protect a sonotrode or other components from being contaminated by turbulent paint particles as recited in Applicants' claims.

In contrast, Applicants' claim 1 recites an air distribution device that has a number of clearances that are arranged such that between at least one paint discharge point and a sonotrode and between at least one paint discharge point and a component, at least one region is formed with a blocking airflow by which air flow wetting of the sonotrode or of the component with paint is substantially avoided. Because the *Goldschmidt* patent fails to disclose or suggest concepts or features that are analogous to those recited in Applicants' claim 1, a *prima facie* case of anticipation has not been established.

To properly anticipate a claim, the document must disclose, explicitly or implicitly, each and every feature recited in the claim. See Verdegall Bros. v. Union Oil Co. of Calif., 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). Withdrawal of this rejection is therefore respectfully requested.

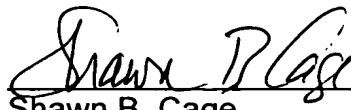
Based on at least the foregoing remarks, Applicants submit that all pending claims are allowable and this application is in condition for allowance. In the event any issues remain, the Examiner is invited to contact the undersigned attorney identified below.

Respectfully submitted,

BUCHANAN INGERSOLL & ROONEY PC

Date: December 14, 2007

By:



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